

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CARL A. WESCOTT,

Plaintiff,

v.

ROBERT N. WEAVER, et
al.,

Defendants.

Case No. 22-cv-04288-AGT

**ORDER RE: SERVICE OF
PROCESS**

Because Carl Wescott is proceeding in forma pauperis, he may rely on the United States Marshals Service (USMS) “to serve the summons and the complaint.” *Walker v. Sumner*, 14 F.3d 1415, 1422 (9th Cir. 1994), *overruled on other grounds by Sandin v. Conner*, 515 U.S. 472, 483–84 (1995). First, however, Wescott must provide the USMS with “the information necessary to identify the defendant[s].” *Id.* If he doesn’t do so, his case may be dismissed. *See id.* (affirming dismissal of claims when plaintiff, proceeding in forma pauperis, “did not prove that he provided the marshal with sufficient information to serve [the defendant]”).

On August 4, 2022, the Clerk’s Office asked Wescott to provide current addresses for the three defendants in this case. For one defendant, Frederick Fiechter IV, Wescott didn’t respond. For another, David Zeff, Wescott provided an address, but the address belonged to a post office. In a service-of-process receipt, the USMS explained that it “Cannot Serve A Post Office.” Dkt. 11 (emphasis omitted). For the third defendant, Robert Weaver, Wescott provided an address, but when the USMS attempted service, the front desk at that address “Refused Service.” Dkt. 10.

Wescott must provide the Court with accurate current addresses for defendants Fiechter IV and Zeff, by November 25, 2022. If he fails to do so, the undersigned will recommend that a district judge dismiss the claims against Fiechter IV and Zeff, without prejudice. Also by November 25, Wescott must provide the Court with any additional information he has or can reasonably obtain that will assist with serving defendant Weaver (e.g., alternative addresses, telephone numbers, estimated times available for service). After considering any information Wescott submits, the Court may direct the USMS to attempt service on Weaver again.

The initial case management conference, currently scheduled for this Friday, is continued until Friday, December 16, 2022.

IT IS SO ORDERED.

Dated: November 1, 2022



Alex G. Tse
United States Magistrate Judge